IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Crl.Rev.Pet.No. 281 of 2007()

CC.265/2005 of CHIEF JUDITIAL MAGISTRATE COURT, THALASSERY
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REVN. PETITIONER: ACCUSED NO.2

KIRAN JANARDHANAN, S/O.JANARDHANAN,
BY POWER OF ATTORNEY HOLDER,
P.C.JANARDHANAN, S/O.KANARI, RETIRED ENGINEER,
RESIDING AT ARADHANA, NETTOOR P.O., TELLICHERRY,
KANNUR DISTRICT.

BY ADV. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SMT.SANJANA R.NAIR

RESPONDENTS: COMPLAINANT/ACCUSED NO.1 & STATE
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1. T.K.ISMAIL, S/O.KUNHAMMED KUTTY HAJEE,
ADVOCATE, RESIDING AT THEEKUNNUMMAL HOUSE,
P.O.PARAKKADAVU, KANNUR DISTRICT.

2. T.H.MUHAMMED, S/O.KUNHI SOOPY HAJEE,
THYPARAMBATH HOUSE, P.O.ANIYARAM,
CHOCKLI, TELLICHERRY, KANNUR DISTRICT.

3. STATE, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR MRS. LATHA THANKAPPAN
SRI.R.PARTHASARATHY
SRI.N.M.RAJAGOPAL

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. NO. 281 of 2007

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Dated: 01-11-2007

ORDER

Heard both sides.

2. The revision petitioner who is the 2nd accused in C.C. No. 265 of 2005 on the file of the Chief Judicial Magistrate, Thalassery for offences punishable under Sections 420, 406 and 408 read with Sec. 34 I.P.C. instituted on the basis of a complaint filed by the first respondent herein challenges the order dated 6-4-2006 passed by the said Magistrate refusing to discharge the revision petitioner.

3. According to the complainant he has placed orders with A1 for supplying computers and other electronic gadgets including Uninterrupted Power Supply (U.P.S.) , that the second accused supplied the same manufactured by Grental Technology, Cochin, same developed defects. When Grental Technology, Kochi was contacted they disowned having manufactured the same in question and that accused Nos. 1 and 2 committed offences punishable under Sections 420, 406 and 408 read with Sec. 34 I.P.C. The revision petitioner pleaded for a discharge contending inter alia that neither the complaint nor the documents produced along with

the complaint revealed commission of offence by the revision petitioner. As per the impugned order dated 6-4-2006 the Chief Judicial Magistrate, Thalassery rejected the said plea holding that both accused Nos. 1 and 2 are liable for the offences alleged in the complaint. It is the said order which is assailed in this Revision.

4. A reading Annexure I complaint shows that there are averments against the revision petitioner prima facie justifying the framing of charge against the revision petitioner as well. The question as to whether those charges will be substantiated or not is a matter for trial. Hence, I do not see any good ground to interfere with the order passed by the court below.

5. The learned counsel for the revision petitioner submitted that the revision petitioner is now abroad and he may have it difficult to appear before the court during trial. He can certainly file a petition under Sec. 317 Cr.P.C. for exception and in case the question of identity arises for consideration he may have to appear before the Magistrate. the trial court shall consider the application, if any, filed by him and pass orders in accordance with law.

This Revision is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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